



IF 1794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrick T. RIGNEY
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Serial No.: 10/510,550

Filing Date: 09 June 2005

Title: HIGH INTEGRITY
POLYESTER STRAPPING

Customer No.: 45482

Group No.: 1794

Examiner: Lawrence D. Ferguson

INTERVIEW SUMMARY

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' undersigned attorney thanks Examiner Ferguson for the courtesy of the telephone interview on June 30, 2009. The interview focused on a discussion of independent Claims 52, 66 and 70; the prior art U.S. Patent 6,331,343 to Perez; the Declaration of Dr. Patrick T. Rigney; and the case law cited with the Amendment filed on May 15, 2009.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

7-1-09

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Date

Maury Peterson

Signature

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It was pointed out and acknowledged that Perez discloses a wide range of incompatible first and second polymers in a wide range of compositions (1-99% by weight of each) for the purposes of producing films that can be fibrillated or otherwise split. Furthermore, it is well known to combine polymers having thermodynamic incompatibility to produce films that are easily fibrillated or split.

It was pointed out and acknowledged that Applicants' independent claims recite a strapping containing a much narrower range of incompatible polymers (polyester and specific polyolefins) and compositions (97.2-99.8% polyester, 0.2-2.8% by weight polyolefin). Notwithstanding that the claimed ranges overlap the much broader ranges in Perez, Applicants' invention achieves a surprising, unexpected and opposite result in that the polyolefin additive causes the strapping to have increased resistance to longitudinal splitting. The Declaration of Patrick T. Rigney was discussed as providing proof and evidence of the dissipation and disappearance of longitudinal splitting within the claimed range of 0.2-2.8% by weight polyolefin.

The case law cited in the May 15, 2009 Amendment was also discussed as providing authority for findings of patentability when a narrow claimed range overlaps a much broader range disclosed in the prior art, and the narrow claimed range achieves results that are surprising, unexpected and opposite the results

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disclosed in the prior art. The Examiner indicated that he would consider the new evidence (Declaration of Dr. Patrick T. Rigney) and case law when evaluating the new Claims 52-71. No agreement on patentability was reached at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maxwell J. Petersen", written in a cursive style.

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